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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/721,386

11/25/2003

William Y. Pong

D/A3414

8062

25453 7590 07/23/2008

PATENT DOCUMENTATION CENTER

XEROX CORPORATION

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EXAMINER

CHARLES, MARCUS

ART UNIT

PAPER NUMBER

3682

MAIL DATE

DELIVERY MODE

07/23/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/721,386	<b>Applicant(s)</b> PONG, WILLIAM Y.	
	<b>Examiner</b> Marcus Charles	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-10,12-21 and 23-32 is/are pending in the application.
- 4a) Of the above claim(s) 7,9,17-20,26 and 2832 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8,10,12-15,17-20,23-25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/25/03 & 4/17/08 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

This action is responsive to the amendment filed 4-28-2008, which has been entered.

Claims 1, 3-10, 12-21, 23-32 are currently pending.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-6, 8, 10, 12-15, 17, 21, 23-25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Stickers (4,165,466). In claims 1, 10 and 21, Stickers discloses a belt drive system comprising a first and second pulleys (20, 24), a belt (33) reeved over the first and second pulleys; the first pulley (30) is loaded away from the second pulley by a biasing load produce by a first biasing mechanism (34) tensioning the first pulley away from the second pulley in a pivoting fashion about a pivot (16). It is apparent that the pivot is located with a reference centerline between the first and second pulleys and it is also apparent that the application of torque or the motive power from the motor of the first pulley in a first direction will elevate belt tension and torque or motive power in the second direction with decrease the belt tension. In claim 3 and 12, note the pulley (30) is mounted on a drive motor (20), which is attached to a motor plate (55), the motor plate (55) on which the motor is mounted is pivotally attached to a frame member (12/35) via a pivoting connection (45) between the motor plate and the frame.

In claims 4 and 13, note the second pulley is attached to a wheel drum (14).

In claims 5 and 14, as understood, it is apparent that the motor plate is biased away from the second pulley by the biasing mechanism (34).

In claims 6, 15 and 25, note the biasing mechanism comprises a spring (53A) and generates a biasing moment about the pivot (45).

In claims 8, 17 and 27, Hutchison inherently discloses the claimed invention, including the biasing mechanism is a torsional spring mounted about the pivot.

In claim 10, Hutchison clearly discloses the claimed invention above.

In claim 21 and 23-24, Hutchison discloses the claimed invention above.

### ***Response to Arguments***

3. Applicant's arguments filed 4-28-2008 have been fully considered but they are not persuasive. Applicant contended that the prior art to Strickers fails to disclose locating a pivot point with reference to a centerline between the two pulleys, and a theoretical intersection of the belt strand such that application of a torque in the first direction proportionally elevates average belt tension while application of torque in the opposite direction proportionally decreases average belt tension. In response, It should be noted that strickers clearly discloses all the limitation of the claimed invention. As can be seen in the attached drawing illustration below, the centerline and the belt line are inherently included so as to provide a pivot point at a theoretical intersection. There is reasons to believe, base on the similarity of (structure etc.) that the functional limitation (s) of the (increase or decrease the drive torque capacity) being restricted to "—" maybe

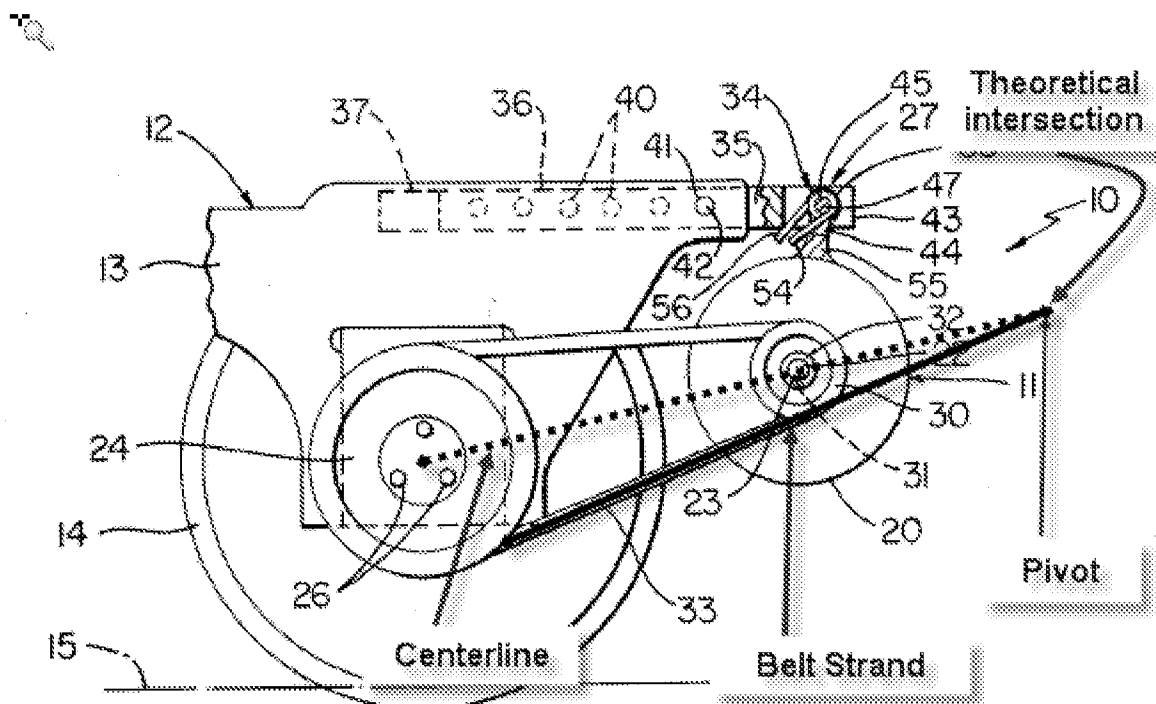
Art Unit: 3682

(an) inherent characteristic (s) of (the prior art). In accordance with *In re Best*, 562 F.2d 1252, 195 USPQ 430, 433 (CCPA 1977).

This "burden of rebutting [may be of] the PTO's reasonable assertion of inherency under 35 USC 102, or of prima facie obviousness under 35 USC 103" (195 USPQ at 432).

Accordingly, the burden is placed upon the applicant to prove that the limitation (s) in question is/are not (an) inherent characteristic (s) of the reference disclosure.

Therefore, for reasons given above the rejection is deemed proper.



4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marcus Charles whose telephone number is (571) 272-7101. The examiner can normally be reached on Monday-Thursday 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ridley Richard can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Marcus Charles*  
/Marcus Charles/  
Primary Examiner, Art Unit 3682